

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, May 19, 2003
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Boardman called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook, Hardy (Houchen arrived at 5:05 p.m.)
Absent: None

City Clerk Announced a Late Communication

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehling announced a Late Communication regarding an agenda item that had been received following release of the agenda packet by the City Clerk's Office and distributed during the Study Session:

Communication submitted by Jim Moreno, Chair, Citizens Participation Advisory Board (CPAB) dated May 19, 2003, titled *Community Development Block Grant Recommendations: 03-04 Program Year*.

(City Council) Study Session Held – Presentation Made by the Citizens Participation Advisory Board (CPAB) and City Staff Re: Recommendations for Community Development Block Grant Allocations for F/Y 2003/2004 (340.70)

A joint meeting of the Citizens Participation Advisory Board (CPAB) and the City Council was held to review recommendations of CPAB and city staff for Community Development Block Grant (CDBG) allocations for the upcoming 2003/2004 program year.

Roll Call – Citizens Participation Advisory Board

Present: Jim Moreno, Adrienne Albino, Jackie Canigiani, Linda Couey, Steve Garcia, Jim Hayden, Patricia Jacobs-Pilette
Absent: Jerry Lipson, Charles Tyler

City Administrator Ray Silver welcomed the Citizens Participation Advisory Board (CPAB) members to the joint meeting of CPAB and City Council to review recommendations of the CPAB and city staff for the Community Development Block Grant (CDBG) allocations for the upcoming 2003/2004 program year. Mr. Silver introduced Mr. Jim Moreno, Chair of the Citizens Participation Advisory Board.

Chair Moreno thanked Council on behalf of himself and CPAB for the opportunity to serve the city. Mr. Moreno read verbatim from his Late Communication which had been announced earlier by the Assistant City Clerk. The communication emphasizes CPAB's recommendation which was included in the agenda packet titled *City of Huntington Beach – Community Development Block Grant Program*.

Considerable discussion was held amongst Council, CPAB Board Members, public service representatives and staff concerning: 1) how a reduced amount of funding would affect the programs; 2) the percentage of Huntington Beach residents who benefit from these programs; 3) how the CSP (Community Service Program) gang prevention/diversion program benefits the Oak View area; 4) current budget of various programs; 5) the effects of the current budget crisis; and 6) the Board's recommendation for Adult Day Care funding which was not a staff recommendation.

Council thanked the CPAB members for their hard work during this difficult budget year.

Chair Moreno stated that as the budget improves, it is hoped there is less dependency on CDBG funds for General Fund program responsibilities. He thanked Council liaisons Coerper and Hardy for their participation.

Mayor Boardman thanked everyone for their Study Session presentations.

Mayor Boardman recessed the meeting to 7:00 p.m.

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Absent: None

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Mayor Boardman asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

Pledge of Allegiance – Led by Mayor Boardman

Moment of Silence Observed

Mayor Boardman requested observation of a "moment of silence" to reflect upon the issues before the Council, public and staff.

Late Communications Announced

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehling announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Citizen Participation Advisory Board (CPAB) Chair Jim Moreno submitted a communication dated May 19, 2003 titled *Community Development Block Grant Recommendations: 03-04 Program Year* for the Study Session regarding funding recommendations.

Communication dated May 19, 2003 from Administration Services changing Slide 17 of the PowerPoint relating to the budget item, which was included in the agenda packet.

Communication dated May 19, 2003 from the City Clerk's Office correcting a typographical error on Recommended Action No. 3. (Page 13 on some of the agendas that were released) relating to the budget item.

Communication dated May 15, 2003 from Administrative Services clarifying the revenue and expenditure tables for Fiscal Year 2002/2003 Actual and revising the PERS Safety Employer Rate information in the RCA relating to the budget item.

Presentation made by Mayor Connie Boardman and Councilmember Hardy of commendations to Huntington Beach High School Model United Nations (MUN) students who competed in New York City. These students from represented the United States of America, Tajikstan, the United Kingdom, and Syria. They competed and won the Distinguished Delegation Award, which is the highest award. Mayor Boardman congratulated the MUN participants.

Councilmember Hardy introduced the advisors and students in attendance and described the MUN program. She stated the representation in New York included 120 schools with 2,500 students from 30 states and 7 countries. (160.40)

ADVISORS

Mr. Lynn Aase	Mr. Bill Seckington	Miss Jill Hardy
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STUDENTS

Andrew Bingham	Rachel Blumenthal	George Boulos
Ben Buckalew	Kevin Buksa	Mike Conner
Jamie Creason	Mel Distel	Margaux Dunn
Kristi Evans	Trevor Green	Sean Herron
Aniva Hinduja	Jamie Horowitz	Jennifer Johnson
Elizabeth Keeler	Phuong Luong	Lindsay Meares
Bob Meripol	Heather Papini-Chapla	Jessica Peterson
Johanna Phillips	Jenna Pinkham	Lauren Rank
Kristin Salaya	Tiffany Salaya	Ashay Shah
Meghan Thompson	Usha Thulsiraj	Vanessa Thulsiraj
Rachel Wong	Serena Yue	

Presentation made to Mayor Connie Boardman and Jim Engle, Director, Community Services, by Jim McLaughlin, Board of Realtors, a check in the amount of \$2,200 for Project Self Sufficiency. Community Services Director Engle introduced Dave Osbourne, General Manager of Fountain Bowl in Fountain Valley, who also presented. (160.40)

The Mayor's Award presentation was made by Mayor Connie Boardman and Acting Fire Chief Duane Olsen to Tony Dalton, Fire Engineer, Huntington Beach Fire Department for his outstanding dedication and various fire station and apparatus design, training, mentoring and humanitarian achievements. (160.40)

Public Comments

Debbie Borden offered a prayer due to the lack of the Invocation on the agenda.

(Assistant City Clerk Ehring informed Council that Mr. Ray McGowen had completed a public speaker form to address Council regarding a public hearing item. She stated that if Mr. McGowen spoke at this time his comments would not be recorded as a part of the public hearing, but would be recorded under general public comments. Mayor Boardman addressed Mr. McGowen, who stated that he would prefer to speak at this time.)

Ray McGowen then spoke in opposition to fees and administrative costs involving the encyclopedia lots he owns.

Bob Traver, representative of the Huntington Beach Church of Religious Science, spoke on behalf of Reverend Peggy Price's offer to donate a "Peace Pole" to the City of Huntington Beach. He stated that in his opinion this is a non-political gift and is not intended to be a political statement.

(Assistant City Clerk Ehring informed Council that Mr. Mark Lovich had completed a public speaker form to address Council regarding a public hearing item. She stated that if Mr. Lovich spoke at this time his comments would not be recorded as a part of the public hearing, but would be recorded under general public comments. Mayor Boardman addressed Mr. Lovich, who stated that he preferred to speak at this time.)

Mark Lovich, inquired from Council and staff information regarding tonight's public hearing on weed abatement. Mr. Lovich voiced his concerns regarding the administration fees, delineation lines and the ability to enclose property.

Mayor Boardman requested that Mr. Lovich submit a blue follow up card for staff to contact him. She suggested that he remain for the public hearing for further information regarding weed abatement.

Public Comments Resumed

Bill Orton spoke in favor and requested Council support of Assembly Bill 496 regarding the Santa Ana River Conservancy. Mr. Orton distributed a communication to Council only during Public Comments titled *Assembly Bill 496: Governance - Santa Ana River Conservancy*.

(City Council) Announcement Made by Mayor Pro Tem Cathy Green of Individual Appointment of Donald Hansen, Jr. to the Public Works Commission Effective June 2003 (110.20)

The City Council considered a communication from Mayor Pro Tem Cathy Green announcing her appointment of Donald Hansen, Jr. to the Public Works Commission effective June 2003.

A motion was made by Green, second Coerper to direct the City Clerk to record in the minutes the appointment by Mayor Pro Tem Cathy Green of Donald Hansen, Jr. to the Public Works Commission effective June 2003.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council) Announcement Made by Councilmember Gil Coerper of Individual Appointment of Julie Engquist to the Public Works Commission Effective June 2003 (110.20)

The City Council considered a communication from Councilmember Gil Coerper announcing his appointment of Julie Engquist to the Public Works Commission effective June 2003.

A motion was made by Coerper, second Sullivan to direct the City Clerk to record in the minutes the appointment by Councilmember Gil Coerper of Julie Engquist to the Public Works Commission effective June 2003.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council) Administrative Public Hearing Held – Adopted Resolution No. 2003-33 – Approved Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Mayor Boardman announced that this was the time noticed for an administrative public hearing to consider a request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No.3397 adopted by City Council on June 15,1998.

An Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

City Attorney Jennifer McGrath reported that she and City Treasurer Shari Freidenrich are recommending that Council adopt Resolution No. 2003-33. She stated that this resolution would allow the city to levy against the properties that would incur penalties and would appear as an

exception to the title on a title report at the time of transfer of the property. In addition, the fines will be reported to the County Tax Assessor for inclusion on the property tax bills.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Mayor Boardman declared the administrative public hearing open.

There being no persons present to speak on the matter and there were no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Green, second Coerper to adopt **Resolution No. 2003-33** entitled "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations.*" The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: None

(City Council) Administrative Public Hearing Held to Hear Protests Regarding Weed Abatement – Rubbish and Refuse Abatement (520.80)

Mayor Boardman announced that this was the time noticed for an administrative public hearing to receive objections and protests to the proposed removal of weeds, rubbish, and refuse upon certain streets, sidewalks, parkways, and private property in the city. This hearing is held pursuant to **Resolution No. 2003-19** adopted March 3, 2003.

City Administrator Ray Silver referred to the inquiry of the Public Comments speaker, Mr. Mark Lovich, regarding access to his property. Public Works Director Robert F. Beardsley responded that Mr. Lovich's property is fenced but is accessible.

Director of Public Works Robert F. Beardsley delivered a slide report titled *Annual Weed, Rubbish and Refuse Abatement Program* included in the agenda packet.

Discussion was held regarding maintenance and clean-up of encyclopedia lots and Council was informed by staff that landowners are responsible for cleaning their parcel.

Councilmember Coerper inquired about access to Mr. Lovich's properties and was informed by staff that there are signs posted with a contact number for access.

It was stated that Mr. Jim Jones, Public Works Maintenance Operations Manager, can be called for assistance to property owners at (714) 960-8861.

Legal notice as provided to the City Clerk's Office by staff had been posted.

Mayor Boardman declared the administrative public hearing open.

Marcia McGowen informed Council that because the property is fenced she believes someone could get hurt and sue the property owner.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Houchen second Cook to authorize the Street Superintendent (i.e. Public Works Director) to proceed with abatement of said nuisance. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

Consent Calendar – Items Removed for Separate Discussion

The following item was removed from the Consent Calendar for separate discussion:

(City Council) Bid and Construction Contract to Cora Constructors, Inc. for Oak View Skate Park Project; CC-1216 (Oak View Neighborhood Enhancement Area) – Transfer of Funds. (600.80)

Consent Calendar – Items Approved

Mayor Pro Tem Green made an announcement regarding the Community Services Commission Consent Calendar item; that the school district accepted the resignation of Sandy Stahlecker and approved the appointment of Susie Jones for a term to expire June 30, 2004.

Councilmember Cook announced she would abstain from voting on the following Consent Calendar item regarding Resolution No. 2003-34, adopting Local Coastal Program Amendment No. 03-01 and requesting its certification by the California Coastal Commission.

On motion by Green, second Sullivan, Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None
ABSTAIN: (Cook on Resolution No. 2003-34)

(City Council/Redevelopment Agency) Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency regular meeting of February 18, 2003 and City Council Adjourned Regular Meeting of February 21, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Accepted Resignation of Sandy Stahlecker and Approved Appointment of Susie Jones to the Community Services Commission with Term to Expire June 30, 2004 (110.20) - **1.** Accepted the resignation of Sandy Stahlecker; and **2.** Approved the appointment of Susie Jones to the Community Services Commission as a representative of the Fountain Valley School District for a term to expire June 30, 2004, as recommended by Council Liaisons Mayor Pro Tem Cathy Green and Councilmember Dave Sullivan. Submitted by Community Services Director. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2003-35 Authorizing Closure of Local Streets for the Fourth of July Parade and Adopted Resolution No. 2003-36 Authorizing Closure of Pacific Coast Highway for the Fourth of July Parade (800.60) - 1. Adopted **Resolution No. 2003-35** - *"A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July,"* and 2. Adopted **Resolution No. 2003-36** - *"A Resolution of the City Council of the City of Huntington Beach Requesting Caltrans Approve the Closing of Pacific Coast Highway for the Huntington Beach Fourth of July Parade."* Submitted by Community Services Director. Funding Source: Not applicable. (Resolution No. 2003-35 includes the list of streets for the parade/run routes and parade formation areas.)

(City Council) Adopted Resolution No. 2003-32 Authorizing Safety Employees: (1.) Police Officers' Association (POA); (2.) Police Management Association (PMA); (3.) Marine Safety Officers' Association (MSOA); and (4.) Huntington Beach Firefighters' Association (HBFA) to Pay California Public Employee's Retirement System (CalPERS) Member Contributions with Pre-Tax Dollars Effective July 5, 2003 (700.50) Adopted **Resolution No. 2003-32** - *"A Resolution of the City of Huntington Beach Authorizing Employees to Pay Member Contributions for PERS Retirement with Their Pre-Tax Dollars."* Submitted by Administrative Services Director. Funding Source: There is no fiscal impact to this action. (The Internal Revenue Service allows deferral of federal and state taxes on the employee's contribution to CalPERS until the time of distribution of pension funds.)

(City Council) Received and Filed Stipulation for Judgment and Settlement Agreement In Re: Proper Compensation of Plaintiffs for At-Home Care of City Police Dogs Consistent with the Federal Fair Labor Standards Act in Purner/ Svendsbo v. City of Huntington Beach, Federal District Court Case No. SACV 00-361-AHS (Anx) (600.10) Received and filed *Stipulation for Judgment*. Submitted by the City Attorney. Funding Source: Not Applicable.

(City Council) Accepted Resignation of Sandra Cole and Approved Appointment of Steve Gullage as Resident Representative for a Term to Expire August 5, 2005 - Accepted Resignation of Lydia Stein - Approved Appointment of Mark Porter as Citizen-at-Large Representative for a Term to Expire August 5, 2003 on the Mobile Home Advisory Board (MHAB) (110.20) – 1. Accepted the resignation of Sandra Cole and approved the appointment of Steve Gullage as a mobile home resident representative to the Mobile Home Advisory Board for a term to expire on August 5, 2005; and 2. Accepted the resignation of Lydia Stein and approved the appointment of Mark Porter as a Huntington Beach citizen-at-large representative to the Mobile Home Advisory Board for a term to expire on August 5, 2003, as recommended by MHAB Council Liaisons Mayor Connie Boardman and Councilmember Dave Sullivan. Submitted by the Economic Development Director. Funding Source: Not Applicable.

(Redevelopment Agency) Received and Filed Annual Report of the Huntington Beach Redevelopment Agency for Fiscal Year 2001-2002 for Submission to the State Controller (400.20) – Received and filed the 2001-2002 State Controller's Report. Submitted by the Deputy Executive Director. Funding Source: Not Applicable. (Report is submitted to the State Controller as required by §33080.1 of the State of California Health and Safety Code ("Redevelopment Law").

(City Council) Approved Affordable Housing Agreement for Joseph and Rosann Hetherington Containing Covenants Affecting Real Property (Three-Unit Apartment Development Located at 16791 Roosevelt Lane – n/o Warner Avenue, e/o Bolsa Chica Street) (600.10) – Approved the *Agreement Containing Covenants Affecting Real Property* by and between the City of Huntington Beach and Joseph and Rosann Hetherington and authorized the Mayor and City Clerk to sign, execute and record. Submitted by the Planning Director. Funding Source: Not Applicable.

(City Council) Accepted Bid and Awarded Construction Contract to Sancon Engineering II, Inc. for the Miscellaneous Sewer Lining Project, Phase II; CC-1202 (600.60) –1. Accepted the lowest responsive and responsible bid submitted by Sancon Engineering II, Inc. in the amount of \$690,654.20 for the Miscellaneous Sewer Lining Project, Phase II; CC-1202; and **2.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: \$794,250 – Sewer Service Fund, Sewer Improvements Account.

(City Council) Received and Filed Library Board of Trustees Manual (950.30) – Received and filed the *Library Board of Trustees Manual*. Submitted by the Library Services_Director. Funding Source: Not Applicable. (Received and filed as recommended by City Council Library Board Liaisons, Councilmembers Dave Sullivan and Gil Coerper.)

(City Council) Approved Professional Services Contract between the City of Huntington Beach and the City of Fountain Valley for the Emergency Preparedness and Disaster Planning Services of the HB Fire Department Emergency Services Coordinator (600.10) Approved the *Professional Services Contract between the City of Huntington Beach and the City of Fountain Valley for the Services of the Huntington Beach Fire Department Emergency Services Coordinator.* Submitted by the Acting Fire Chief. Funding Source: Funding for the proposed services is included in the Weapons of Mass Destruction Business Unit Account.

(City Council) Adopted Resolution No. 2003-34 Adopting Local Coastal Program Amendment No. 03-01 and Requesting its Certification by the California Coastal Commission (420.85) – Adopted Resolution No. 2003-34 – “A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 03-01 and Requesting its Certification by the California Coastal Commission.” Submitted by the Planning Director. Funding Source: Not Applicable. (The resolution includes Exhibits A through R, which are available for public review in the Office of the City Clerk. These exhibits pertain to twelve zoning text and map amendments and are copies of Ordinances adopted over the last four years: Ordinance Nos. 3438; 3439; 3442; 3533; 3543; 3544; 3545; 3562; 3520 through 3532; 3517; 3553; 3568; 3542; 3563; 3594; 3596, and Resolution Nos. 2002-121 and 2002-129.)

(City Council) Adopted Resolution No. 2003-37 Approving the Submittal to the Orange County Transportation Authority (OCTA) of Two Landscape Enhancement Projects Under the Transportation Enhancement Activity (TEA) Program: (1.) Beach Boulevard Frontage Parkway (Taylor Drive to Sterling Avenue) and (2.) Main Street Median (Huntington Street to Delaware Street) (340.70) – Adopted Resolution No. 2003-37 – “A Resolution of the City Council of the City of Huntington Beach Authorizing Application for Funds for the Transportation Enhancement Activity (TEA) Program under the 1998 Transportation Equity Act for the 21st Century for Beach Boulevard Frontage Landscape Improvement Project and the Main Street Media Landscape Improvement Project.” Submitted by the Public Works_Director. Funding Source: If projects are awarded, Measure M funds - approximately \$177,500 will be required to provide the minimum 25% match. (The resolution sets forth that the City agrees to fund its share of the project costs and any additional costs over the identified programmed amount. This action is in conformance with the OCTA TEA guidelines and does not exceed 75% of the total eligible costs of each project.)

(City Council) Approved Alternative Action by Rejecting Bid and Not Awarding Construction Contract Submitted by Cora Constructors, Inc. for Oak View Skateboard Park Project; CC-1216 (Oak View Neighborhood Enhancement Area) – Denied Transfer of Funds (600.80)

Mayor Boardman requested that this agenda item be removed from the Consent Calendar to discuss the project and receive information from staff regarding the request for an increase in funding. The original recommended action requested Council approval to accept the bid and award contract to Cora Constructors and authorize transfer of funds of \$96,750 from the Community Development Block Grant (CDBG) Unprogrammed Funds.

Considerable discussion was held between Council and staff regarding the reasons for the aforementioned proposed increased costs for the Oak View Skate Park, and alternative actions available to Council.

Community Services Director Jim Engle explained that by the time the project went to bid the cost of construction had increased.

A motion was made by Boardman, second Coerper, to **approve the alternative action** as set forth in the staff report: Direct staff not to move forward with the project at this time; refer the project back to the consultant for redesign to the original fund limit, which would reduce the size of the skate park by at least 50 percent and delay completion by six months in order to redesign, plan check and rebid.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Boardman, Cook, Houchen, Hardy
NOES: Green
ABSENT: None

(City Council) Approved (With Separate Roll Call Votes Taken on Some Assembly and Senate Bills) City Council Position on Legislation Pending Before the State Legislature and/or Congress as Recommended by the City Council Intergovernmental Relations Committee (640.90)

The City Council considered a communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee on behalf of Mayor Connie Boardman and Councilmember Debbie Cook: The City Council Intergovernmental Relations Committee has reviewed the legislation, and/or propositions below and is recommending that the City Council take a position on the following Assembly and Senate Bills:

Assistant City Administrator William Workman presented a slide report, which was included in the agenda packet, titled *Intergovernmental Relations Committee Recommendations for Legislative Action*. Council received clarification from Assistant City Administrator Workman regarding a number of the staff recommendations.

1. A motion was made by Cook, second Boardman to: **Support SB 981 (Soto) Children's Health & Petroleum Pollution Remediation Act** as amended on April 24, 2003. The motion carried by the following roll call vote:

AYES: Boardman, Cook, Houchen, Hardy
NOES: Sullivan, Coerper, Green
ABSENT: None

2. Communication titled "*AB 1221 (Steinberg). Local Sales and Property Taxes. NOTICE OF OPPOSITION*" which was included in the agenda packet and identified as "F-1a" letter was discussed.

A motion was made by Hardy, second Houchen to: **Support as amended by "F-1a" letter AB 1221 (Steinberg/Campbell) Taxation, Local Government Funding** if amended to provide constitutional protection for cities. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

3. A motion was made by Boardman, second Cook to: **Continue to oppose unless amended AB 322 (Parra) Disabled Veterans Property Tax Exemption** as amended on April 7, 2003 unless amended to remove language exempting the State from reimbursing Cities for lost Property Tax Revenue. The motion carried by the following roll call vote:

AYES: Sullivan, Green, Boardman, Cook, Houchen, Hardy
NOES: Coerper
ABSENT: None

4. A motion was made by Cook, second Boardman to: **Continue to oppose AB 1324 (Steinberg) Workers' Compensation, Infectious Diseases** as amended on April 9, 2003. The motion carried by the following roll call vote:

AYES: Sullivan, Boardman, Cook, Hardy
NOES: Coerper, Green, Houchen
ABSENT: None

5. A motion was made by Green, second Coerper to **reverse** the recommended action by supporting AB 572 (Yee) Employment as amended on April 8, 2003. (Relates to reports made by employees of unsafe, hazardous working conditions.) The motion **failed** by the following roll call vote:

AYES: Coerper, Green
NOES: Sullivan, Boardman, Cook, Houchen, Hardy
ABSENT: None

A motion was made by Cook, second Hardy to uphold the recommended action to: **Continue to oppose AB 572 (Yee) Employment** as amended on April 8, 2003. (Relates to reports made by employees of unsafe, hazardous working conditions.) The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Boardman, Cook, Houchen, Hardy
NOES: Green
ABSENT: None

6. A motion was made by Cook, second Hardy to: **Remove the City's opposition to AB 1073 and take no position (Dutton) Sales and Use Tax, Non-prescription drugs, Personal Income Tax** as amended on April 21, 2003. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

7. A motion was made by Boardman, second Cook to: **Remove the City's support for SB 17 (Escutia) Property Taxation: Change in Ownership** as amended on April 21, 2003 but continue to watch. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

8. See SB 407 to follow later in the meeting.

9. A motion was made by Sullivan, second Coerper to: **Watch until the Committee members can meet with stakeholders and develop suggestions for amending the bill before recommending a city position AB 496 (Correa) Santa Ana River Conservancy.** The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Cook, Houchen, Hardy
NOES: Boardman
ABSENT: None

10. See AB 499 to follow later in the meeting.

11. See OCTA to follow later in the meeting.

12. A motion was made by Sullivan, second Cook to **take no action** regarding: **Find the Orange County Division to be in compliance** with the City's request of November 11, 2002 for a financial audit of the League of California Cities' records. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Cook, Houchen, Hardy
NOES: Boardman
ABSENT: None

A motion was made by Houchen, second Green to approve the following recommended actions on the remainder of the Assembly and Senate Bills: The City Council Intergovernmental Relations Committee has reviewed the legislation, requests for support letters, and federal funding agenda below and is recommending that the City Council take a position on these Assembly and Senate Bills and other items, and authorize the Mayor to send letters to the legislators reflecting the approved position:

- 8. Remove the City's opposition SB 407 (Torlakson) Local Government Finance** as amended on April 21, 2003 and continue to watch.
- 10. Support AB 499 (Canciamilla) Two Year State Budget** as introduced.
- 11. Oppose Proposal of OCTA (Orange County Transportation Authority)** to extend State Route 57 to Interstate 405.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy (Sullivan ABSTAIN on Item 11 above – OCTA proposal)
NOES: None
ABSENT: None

(City Council) Received and Filed Fiscal Year 2002/2003 Second Quarter Report and Adopted Recommended Actions Including (1.) Approved Imposition of 60-Day Hiring Freeze (5/20-7/18/03); and (2.) Directed Finance Board to Study Possible Changes to the Adopted Fiscal Year 2002/2003 and the Proposed 2003/2004 Budgets Pursuant to Huntington Beach Municipal Code Chapter 2.109.040(c) (310.20)

The City Council considered a communication from the Administrative Services Director informing Council that the second quarter (January 1, 2003 through March 31, 2003) of the city's fiscal year budget for 2002/2003 has been completed.

City Administrator Ray Silver introduced Administrative Services Director Clay Martin. Director Martin stated that 99 city employee positions are vacant and the city's budget problem is 11.5 million dollars.

Administrative Services Director Martin presented a slide report and gave a brief overview of budget issues. He stated there was a revision on slide 17 of the slide report which was previously announced by Assistant City Clerk Liz Ehling as a late communication. The correction clarified the revenue and expenditure tables for Fiscal Year 2002/2003 Actual and revised the PERS (Public Employees Retirement System) Safety Employer Rate information. The slide report illustrated significant contributing factors to the city's ongoing structural deficit.

City Administrator Silver requested Council approval of the exemption of two additional personnel positions from the hiring freeze; the position of Police Captain and the permanent part-time Office Assistant I in the City Clerk's Office.

The date on slide 20 was announced by Administrative Services Director Martin to reflect the regular July 21, 2003 City Council meeting.

Discussion was held among Council and staff regarding budget issues.

A motion was made by Houchen, second Coerper to:

1. Receive and file the Fiscal Year 2002/2003 Second Quarter Budget Report;

and

2. Authorize the City Administrator to impose a complete hiring freeze for sixty days (May 20, 2003 through July 18, 2003) of all safety and non-safety positions in response to the current unknowns regarding the state budget, except: recruitments currently in progress, any minimum staff requirements identified in any memorandum of understanding between the city and a labor association, and identified positions required for productivity, efficiency, or revenue related issues; also including Police Captain and City Clerk part-time permanent Office Assistant I.

and

3. Direct the Finance Board to prepare a study regarding possible changes to the adopted Fiscal Year 2002/2003 and proposed fiscal year 2003/2004 budgets pursuant to Huntington Beach Municipal Code Chapter 2.109.040(c);

and

4. Authorize the City Administrator to proceed with the proposed budget calendar.

Councilmember Sullivan stated he was in favor of adding the permanent part-time Office Assistant I (City Clerk) and Police Captain to positions exempted from the hiring freeze.

Councilmember Houchen concurred and amended her motion to include adding the permanent part-time Office Assistant I (City Clerk) and Police Captain to positions exempted from the hiring freeze.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council) Adopted Ordinance No. 3604 Amending Chapter 3.03 of the Huntington Beach Municipal Code Relating to Professional Services Agreements (640.10)

After the Assistant City Clerk Liz Ehring read by title, a motion was made by Cook, second Green to adopt **Ordinance No. 3604** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Section 3.03.020 Relating to Professional Services.”* (This ordinance clarifies department heads’ signature delegation authority on professional contracts.) The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council) Approved Introduction Ordinance No. 3609 Amending Chapter 2.56 of the Municipal Code Relating to Enforcement Duties of the Public Works Director (.)

The City Council considered a communication from the Public Works Director informing Council that the current Huntington Beach Municipal Code, Chapter 2.56, does not provide authority for the Public Works Department to issue Administrative Citations in order to enforce various ordinances and regulations managed by the Department.

After the Assistant City Clerk Liz Ehrling read by title, a motion was made by Coerper, second Green to approve for introduction **Ordinance No. 3609** - *"An Ordinance of the City of Huntington Beach Amending Chapter 2.56 of the Huntington Beach Municipal Code Relating to the Public Works Department."* (The staff report sets forth that the ordinance will provide the Director of Public Works the authority to manage "administration and enforcement of appropriate sections of Title 8 (Health and Safety), Title 12 (Streets and Sidewalks), Title 13 (Public Property) and Title 14 (Water and Sewers) of the Huntington Beach Municipal Code." The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council) Approved as Amended to Direct Staff to (1.) Obtain Legal Opinion to Establish a Gift Policy; and (2.) At the Same Time Present to the Library Board an Offer of Donation by the Church of Religious Science of a "Peace Pole" and to Propose a Recommendation for its Permanent Installation at the Central Library (100.10)

The City Council considered a communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: Attached is a letter I received from Reverend Peggy Price regarding an offer to donate a "Peace Pole" to the city by the Huntington Beach Church of Religious Science. This pole is approximately eight feet tall and seven inches in diameter with six sides. On each side, in six different languages, is the phrase "May Peace Prevail on Earth." The organization would like to permanently install this monument within the city. Based on my conversations with Reverend Price, we decided that the Central Library and Cultural Center would be an appropriate location to explore.

Discussion was held regarding the Council directing staff to present to the Library Board the offer of the installation of a donated "Peace Pole" to be located at the Central Library and forward the Library Board recommendation to the City Council for their consideration.

Councilmember Cook stated reasons why she believes that a Council policy should be established which would contain standards for acceptance of gift donations to the city.

Before voting on the original recommended action (**to follow**) an **amended** motion was made by Cook, second Boardman to refer the proposed donation by the Church of Religious Science of a "Peace Pole" to the City Attorney for a legal opinion and for the City Attorney to establish a policy on gifts to the City for presentation to Council. The motion carried by the following roll call vote:

AYES: Sullivan, Boardman, Cook, Houchen, Hardy
NOES: Coerper, Green
ABSENT: None

Considerable discussion was held regarding the proposed donation, as well as the subject of gifts and donations in general to the city.

An **amended** motion was made on the original recommended action by Boardman, second Cook to direct staff to present to the Library Board the proposal for the installation of a donated "Peace Pole" to be located at the Central Library and in turn to forward the Library Board recommendation to the City Council for their consideration **and as amended approve at the same time the request for a legal opinion**. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

Council Comments- (Not Agendized)

(City Council) Announcement of Resignation of Keith Bohr From Planning Commission (.)

Councilmember Coerper announced his acceptance of the resignation of Planning Commissioner Keith Bohr effective May 19, 2003. He stated applications are being accepted to fill the vacancy. Councilmember Coerper suggested contacting Elaine Kuhnke, Senior Administrative Analyst, Administration, with questions about the vacancy.

(City Council) Councilmember Pam Houchen Congratulated

Councilmember Cook congratulated Councilmember Houchen on her third wedding anniversary and the addition of three to the family.

(City Council) Rotary Club Book Donation to Perry School

Mayor Boardman and City Treasurer Shari Freidenrich attended a Rotary Club event where 2,000 books were donated to Perry School. Mayor Boardman stated she hoped the school will enjoy the books.

Adjournment – City Council/Redevelopment Agency

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, June 2, 2003, at 6:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California. The 5:00 p.m. portion of the meeting would be adjourned to 6:00 p.m. due to an anticipated lack of quorum.

City Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach
and Clerk of the Redevelopment Agency
of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman